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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,429

12/03/2003

Mahesan Chelvayohan

2003-0061.01

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09/11/2006

LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
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EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/726,429	Applicant(s) CHELVAYOHAN, MAHESAN	
	Examiner Thomas A. Morrison	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment dated 8/29/2006 has been entered.
2. The indicated allowability of claims 13-15 is withdrawn in view of the newly discovered reference(s) to Japanese Publication No. 5-186093. Rejections based on the newly cited reference(s) follow. The examiner apologizes for the failure to fully appreciate the scope of the disclosure in this Japanese reference as compared to claims 13-15 of the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 5-186093 (cited in applicant's 12/3/03 IDS).

Regarding claim 13, Figs. 1c and 5-7C disclose a method for performing print media depletion detection in an imaging apparatus, comprising the steps of:

- providing a mid-frame (21) having a slot (i.e., slot between two arms of element 21);
- providing a sensor (12 and 13) locatable over the slot;
- providing a print media support (1) for holding a supply of print media (2);
- providing a print media detection device (10) having a sense surface (below opening 11 in Fig. 7B); and

detecting with the sensor (12 and 13) one of a presence and an absence of the sense surface (below opening 11 in Fig. 7B) in the slot of the mid-frame (21) as a determination of the depletion of the supply of print media (2) at the print media support (1),

wherein the sense surface (below opening 11 in Fig. 7B) is formed at a first end (upper end) of the print media detection device (10) and a second end (opposite end) of the print media detection device (10) engages a topmost sheet of the print media (2) when the print media is present at the print media support (1). See, e.g., Fig. 1c for the engagement with the print media.

Regarding claim 14, Figs. 1C and 5-7C disclose the step defining a pivot axis (22) for the print media detection device (10) disposed between the first end (upper end) of the print media detection device (10) and the second end (opposite end) of the print media detection device (10).

Regarding claim 15, Figs. 5 and 7B disclose that the print media detection device (10) pivots about the pivot axis (22) until the sense surface (below opening 11 in Fig. 7B) of the print media detection device (10) is positioned in the slot of the mid-frame (21) in the absence of the print media (2) at the print media support (1). More specifically, Figs. 5 and 7B show the locations of the sense surface (below opening 11 in Fig. 7B) and the midframe (21), which indicate that the sense surface (below opening 11 in Fig. 7B) of the print media detection device (10) will be in the slot of the midframe (21) for at least a brief time period, while the print media detection device (10) is

swinging downward into the slot (9) in the absence of the print media (2). Thus, all of the limitations of claim 15 are met.

Allowable Subject Matter

4. Claims 1-10 are allowed.

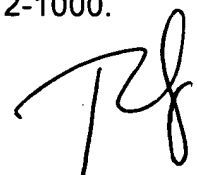
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

08/31/2006


**PATRICK MACKEY
PRIMARY EXAMINER**